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10/718,861

11/21/2003

Diego Kaplan

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/718,861

Applicant(s)

KAPLAN, DIEGO

Examiner

Charles Shedrick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/07 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-13 and 20-28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1-6 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Rooke et al. US Patent No.: 6,678,361 B2

Consider **claim 1**, Shanahan teaches a providing a connectivity toolkit to a wireless communication device coupled with a connectivity toolkit server via a wireless communication network (i.e., **paragraph 0008**), the method comprising: receiving a wireless data connection from a wireless communication device **31, 32** (i.e., see paragraph 0023 figures); and providing a menu of available connectivity toolkit utilities, wherein the menu is displayed on the wireless communication device (i.e., a list of files are provided for browsing etc.) (i.e., see **claims 1, 12, and 21**) (see also **paragraphs 0025, 0030,0038,0039,0042,0046,0061**);

However, Shanahan does not specifically teach authenticating a user associated with the wireless communication device; obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device and identification information for a portion of a server hosted data storage area associated with the wireless communication device

In the same field of endeavor, Kamada teaches authenticating a user associated with the wireless communication device (i.e., see **figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada (i.e., see at least paragraphs 0083 and 0085).

However, Kamada as modified by Shanahan does not specifically teach obtaining profile information from the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device.

In analogous art, Rooke teaches obtaining profile information from the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device (e.g., see col. 1 lines 37-42, col. 2 lines 8-12, 22-23, col. 3 lines 38-41, col. 4 lines 43-48, see also claims)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada to include obtaining profile information for the wireless communication device, the profile information comprising a data storage capacity of the wireless communication device for the purpose of reducing failures as taught by Rooke

Consider **claim 2 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Rooke teaches the claimed invention further comprising: receiving a request for a directory listing; obtaining a list of files associated with the requesting user; and providing the list of files, wherein the list of files is displayed on the wireless communication device (**claims 1, 12, and 21**) (also see paragraphs **0025, 0030, 0038, 0039, 0042, 0046, 0061**).

Consider **claims 3 and as applied to the method of claim 2**, Shanahan has modified by Kamada and further modified by Rooke teaches the claimed invention querying a file system on the connectivity toolkit server to determine a list of user files; and identifying a user file associated with the requesting user (**paragraph 0053**).

Consider **claims 4, and 5 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Rooke teaches receiving a request to download a file (**i.e., see claim 1**), the request comprising a file identifier (**i.e., the file identification is inherent in choosing the correct file**); obtaining the file size of the requested file (**i.e., in order to know the file size the file size is inherently obtained**); comparing the file size to a predetermined threshold file size value (**i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold**); and denying the request to download the file when the file size exceeds the predetermined threshold file size value (**i.e., the user may be prompted to modify or cancel the information request, in any case the download is inherently denied as request until modified**); and providing the requested file via the wireless network (**i.e., see paragraph 0040**).

Consider **claims 6 and as applied to the method of claim 1**, Shanahan has modified by Kamada and further modified by Rooke teaches the claimed invention further comprising: receiving a request to upload an identified file (**i.e., see claim 1**), the request comprising a filename and a file size (**i.e., in order to know the file size the file size is inherently obtained**); comparing the file size to a predetermined threshold file size value (**i.e., in order to determine if the file is too big or too small the file size is inherently compared to a threshold**); approving the request to upload the file when the file size is smaller than the predetermined threshold file size

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value (i.e., the user may be prompted to modify or cancel the information request, in any case the upload is inherently denied as request until modified); and receiving the identified file via a wireless communication network(i.e., furthermore it is clear to one of ordinary skill in the art that an upload is simply the reversal of download and is simply a matter of duplicating operations at the reverse end of a transmission (i.e., claim 29).

Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1**.

A wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the wireless communication network (i.e., see at least figure 1 and paragraphs 0021-0025), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the wireless communication network(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061), the session allowing execution of the utility programs on the wireless connectivity server and allowing access to a portion of the data storage area for the wireless device for loading files(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device for uploading and downloading of files.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device for uploading and downloading of files (i.e., see at least paragraph 0081). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for uploading and downloading of files for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

Consider **claim 8 and as applied to wireless connectivity toolkit system of claim 7**, Shanahan as modified by Kamada teaches wherein the plurality of utility programs comprises a file transfer program (i.e., any suitable storage device containing computer programs or files, etc. (paragraph 0024 or 0030)

**Consider claim 9 and as applied to wireless connectivity toolkit system of claim 8**, Shanahan as modified by Kamada teaches wherein the file transfer program facilitates the transfer of files between the wireless communication device and the wireless connectivity toolkit server (paragraph 0030).

**Consider claim 10 and as applied to wireless connectivity toolkit system of claim 7**, Shanahan as modified by Kamada teaches wherein the data storage area coupled with wireless connectivity server provides data storage for a plurality of wireless communication devices, the data storage accessible to the plurality of wireless communication devices via the wireless communication network (paragraph 0024).

**Consider claim 11 and as applied to wireless connectivity toolkit system of claim 10**, Shanahan teaches the claimed invention except wherein the network based data storage is provided to a wireless communication device for a fee.



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However, in the same field of endeavor, Kamada teaches wherein the network based data storage is provided to a wireless communication device for a fee (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the network based data storage is provided to a wireless communication device for a fee as taught by Kamada for the purpose of revenue generation

**Consider claim 12 and as applied to wireless connectivity toolkit system of claim 11,** Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage in use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage in use by the wireless communication device (**i.e., paragraph 0052 at least**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage in use by the wireless communication device as taught by Kamada for the purpose of revenue generation

**Consider claim 13 and as applied to wireless connectivity toolkit system of claim 11,** Shanahan teaches the claimed invention except wherein the fee is based on the total amount of data storage available for use by the wireless communication device.

However, in the same field of endeavor, Kamada teaches wherein the fee is based on the total amount of data storage available for use by the wireless communication device (**i.e., paragraph 0052 at least**).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include wherein the fee is based on the total amount of data storage available for use by the wireless communication device as taught by Kamada for the purpose of revenue generation

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 and further in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Sugiyama et al. US patent Pub. No.: 2001/0053708 A1

Consider **claim 22 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke teaches the claimed invention except wherein the providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed.  
uncompressed by the wireless communication device prior to being displayed.

However, Sugiyama teaches providing step further comprises compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed. uncompressed by the wireless communication device prior to being displayed (i.e., hierarchal items selection see paragraph 0008-0012 and figures).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Rooke to include compressing the menu of available connectivity toolkit utilities, wherein the menu is uncompressed by the wireless communication device prior to being displayed.

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uncompressed by the wireless communication device prior to being displayed for the purpose of simplifying operations as taught by Sugiyanna in paragraph 0007.

Claims **23-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Shanahan 2004/0005880 A1** in view of **Kamada US 2002/0123336 A1** and further in view of **Lehaff et al. Pub. No.: US 2002/0123342 A1**.

Consider **claims 23 and 24**, Shanahan teaches a wireless connectivity toolkit system, comprising: a wireless connectivity toolkit server having a data storage area and a plurality of utility programs (i.e., see at least figure 1 and paragraphs 0021-0025), the toolkit server communicatively coupled with a first network and a second network (i.e., see paragraph 0023 and 0034), wherein the first network is a wireless communication network and the second network is a public network (i.e., see paragraph 0023 and 0034); a wireless communication device communicatively coupled with the wireless connectivity toolkit server via the first network(i.e., see paragraph 0023 and 0034), wherein the wireless communication device establishes a session with the wireless connectivity toolkit server over the first network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing execution of the utility programs and access to a portion of the data storage area for the wireless communication device(i.e., see also paragraphs 0025, 0030,0038,0039,0042,0046,0061); and a network enabled device communicatively coupled with the wireless connectivity toolkit server via the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), wherein the network enabled device establishes a session with the wireless connectivity toolkit server over the second network(i.e., see at least figure 1 and paragraphs 0021-0025, and 0034), the session allowing access to a portion of the data storage area for the wireless communication device(i.e., see at

least figure 1 and paragraphs 0021-0025, and 0034).

However, Shanahan does not specifically teach a reserved data storage area for the wireless communication device.

In analogous art, Kamada teaches a reserved data storage area for the wireless communication device (i.e., see at least paragraph 0081).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada in paragraph 0001.

However, Kamada in view of Shanahan does not specifically point out wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network.

In analogous art, Lehaff teaches wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network (see figure 1).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan in view of Kamada to include wherein the server is communicatively coupled to a first network and a second network, wherein the first network is a wireless communication network and the second network is different from the first network and is a public network as taught by Lehaff for the purpose of providing effective access.

Consider **claim 25 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the first session.

However, in analogous art Kamada as modified by Lehaff teaches authenticating a user associated with the wireless communication device prior to establishing the first session (i.e., see **figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 26 and as applied to the method of claim 25**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user.

In analogous art, Kamada as modified by Lehaff teaches the profile information comprising identification of a discrete portion of the data storage area reserved for the authenticated user (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include a reserved data storage area for the

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wireless communication device for the purpose of improving upon the limited storage capacity as taught by Kamada as modified by Lehaff in paragraph 0001.

Consider **claim 27 and as applied to the method of claim 24**, Shanahan teaches the claimed invention except further comprising authenticating a user associated with the network enabled device prior to establishing the second session.

However, in analogous art Kamada as modified by Lehaff teaches authenticating a user associated with the wireless communication device prior to establishing the second session (i.e., **user must authenticate each 1<sup>st</sup> 2<sup>nd</sup>, 3<sup>RD</sup> time etc. to access information dedicated to the device see figure 9 and paragraph 0085**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff (i.e., see at least paragraphs 0083 and 0085).

Consider **claim 28 and as applied to the method of claim 27**, Shanahan teaches the claimed invention except further comprising obtaining profile information associated with the authenticated user, the profile information comprising an identification of a discrete portion of the data storage area reserved for the authenticated user.

In the same field of endeavor, Kamada as modified by Lehaff teaches authenticating a user associated with the wireless communication device (i.e., see **figure 9 and paragraph 0085**); obtaining profile information for the wireless communication device, the profile information comprising identification information for a portion of a server hosted data storage

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area associated with the wireless communication device (i.e., see at least paragraphs 0076 and 0077 and 0081. the profile information is necessary to correlate the dedicated storage area to a particular user wireless device.)

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan to include authenticating a user associated with the wireless communication device for the purpose of security and providing and providing a dedicated storage area as taught by Kamada as modified by Lehaff (i.e., see at least paragraphs 0083 and 0085).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Landis et al. US Patent No.: 5,588,148, hereinafter, Landis.

Consider **claims 21 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke teaches the claimed invention except wherein the profile information further comprises a communication speed of the wireless communication device.

However, in analogous art Landis teaches wherein the profile information further comprises a communication speed of the wireless communication device (i.e., in addition to entire specification see specifically col. 3 lines 43-65, col. 4 lines 65-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Rooke to include wherein the profile information further comprises a communication speed of the wireless communication device for the purpose of optimization as taught by Landis in at least col. 3 line 55.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shanahan 2004/0005880 A1 in view of Kamada US 2002/0123336 A1 in view of Rooke et al. US Patent No.: 6,678,361 B2 and further in view of Well known art.

Consider **claims 20 and as applied to the method of claim 1**, Shanahan as modified by Kamada and further modified by Rooke teaches the claimed invention except wherein the profile information further comprises account status of the wireless communication device.

However, the Examiner takes official notice that it is notoriously well known in the art to associate account status information with a user's profile. In fact this information is usually held in the HLR of a mobile network or the like.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Shanahan as modified by Kamada and further modified by Well known art to include wherein the profile information further comprises account status of the wireless communication device for the purpose of determining the user status as it well known in the art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick  
AU 2617  
June 11, 2007

  
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